

EXHIBIT Q
(to Plaintiff's Motion for Partial Summary Judgment)

Plaintiff's Deposition Exhibit 3



 Department of Veterans Affairs		COMPENSATION PANEL ACTION	
NAME Kennedy, Richard		LAST 4 DIGITS OF SSN [REDACTED]	DATE May 1, 2015
SERVICE/LOCATION WJB Dorn VA, Columbia SC	ASSIGNMENT Physician	CURRENT TIER Tier 1	ANNUAL SALARY \$294,351
PART A - REASON FOR COMPENSATION PANEL REVIEW			
Initial Pay Determination <input type="radio"/>		Biennial Review <input type="radio"/>	Other (explain below) <input checked="" type="radio"/>
Request panel to review of annual salary (market and base) The physician compensation panel has reviewed Dr. Kennedy's experience, skills, and the salary survey data and recommends no pay increase in pay per review of 5/1/2015.			
SUPERVISOR'S APPROVAL (Print name below) Robert J. Miller, D.O.		SIGNATURE 	DATE 5/2/15
PARTS B AND C TO BE COMPLETED BY COMPENSATION PANEL AND APPROVING OFFICIAL			
PART B - PANEL FINDINGS			
Consideration of the Panel shall take into account the (1) level of experience in a specialty or assignment; (2) need for the specialty/assignment at the facility; (3) health care labor market for the specialty/assignment; (4) board certifications; (5) accomplishments in the specialty or assignment; (6) prior VHA experience; (7) other considerations/comments; and (8) non-foreign cost-of-living allowance.			
See attached documentation.			
IF BOARD CERTIFIED: Anesthesiologist			

EXHIBIT
 5-10-15
 P-3
 JMB

PANEL FINDINGS - Continued

Pay includes compensation for being Board Certified. If Board Certification is not maintained it will result in an adverse effect on total compensation.

If position responsibilities change, another pay panel will be convened to determine appropriate compensation.

The physician compensation panel has reviewed all pertinent data to include education, experience, special skills, and recommends pay be set at: \$ No Change.

COMPENSATION PANEL RECOMMENDATION

ASSIGNMENT/ PAY TABLE	TIER	PAY RANGE OR RATE
Table 4/Anesthesia	1	\$99,957 - \$325,000
LOCATION OF PANEL	<input type="checkbox"/> VACO <input type="checkbox"/> VISN	<input checked="" type="checkbox"/> VAMC
		WJB DORN VAMC, COLUMBIA SC

SIGNATURE OF PANEL MEMBERS (Additional signatures may be provided on an attached sheet.)

CHAIRPERSON (Print name below)	SIGNATURE	DATE
Ziad AL-Asaad, MD		5/1/15
MEMBER (Print name below)	SIGNATURE	DATE
NOAH DOWNIE		5/1/15
MEMBER (Print name below)	SIGNATURE	DATE
Wm J. Gm		05/01/2015
MEMBER (Print name below)	SIGNATURE	DATE
HR TECHNICAL ADVISOR (Print name below)	SIGNATURE	DATE
VINCENT B. VALENZUELA		5/1/15

PART C - ACTION BY APPROVING OFFICIAL

ANNUAL RATE OF PAY (Base Pay + Market Pay) $\$124,413 + \$147,738 = \$272,151$

COMMENTS



APPROVAL (Print name and title)	SIGNATURE	DATE
Timothy B. McMurry Medical Center Director		5-5-15

DEC 2005 10-0432A

1. Dr. Kennedy has over 20 years of experience as an Anesthesiologist while working at Dorn VA Medical Center. His level of experience has successfully allowed him to manage patients under general, regional, and MAC anesthesia. He consistently maintains educational competence in both TMS and CME requirements for medical licensure. On numerous occasions he has been requested to write Dorn VA Medical Center policies and Anesthesiology Service Standard Operating Procedures (SOPs). He recently completed Anesthesiology Service SOP 21-A (Infection Control Policy).
2. The need to retain and maintain this specialty is critical to the success of Dorn VA Medical Center, Anesthesiology and Surgical Services. Currently, Anesthesiology Service has aggressively recruited and filled all Anesthesiologists vacancies. If the service cannot maintain comparable pay compensation and assigned personnel depart due to pay compensation this will directly affect patient care and services provided by the Dorn VA Medical Center. Dr. Kennedy is well trained and with his experience and leadership abilities that he possesses he is a valuable member of the Dorn anesthesia team.
3. The market pay determination was based on the AAMC Southern-Region Survey data that showed a median base salary of \$331,000 for an Associate Professor. The 2014 Hay group data provides median total cash compensation of \$306,000 for anesthesiologist.
4. Dr. Kennedy is an ABA board certified in Anesthesiologist with over 17 years of experience.
5. He is well qualified and has held several positions of responsibilities. During the absence of the Chief he served as Acting Chief, Anesthesiology Service at the Dorn VA Medical Center. He completed an Internship (1992) and Residency (1995) at Richland Memorial Hospital. Dr. Kennedy possesses some of the most unique skills and competencies for this specialty. He has the technical expertise and leadership qualities needed to perform his duties as a senior anesthesiologist.
6. Dr. Kennedy has 20 years VHA experience.
7. Dr. Kennedy served for six months as Chair of the Non-Operating Room invasive procedure sub-council. He once taught medical students from USC School of Medicine in conjunction with the Chief of Respiratory Therapy, chaired the Sedation Committee and coordinated and conducted Out of the Airway Management Course (OOORAM). On numerous occasions he served as the Acting Chief of Anesthesiology Service during the absence of the chief.
8. n/a

Kennedy_VA_263

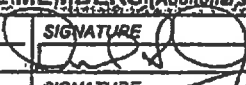



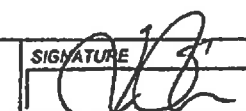
250963681

 Department of Veterans Affairs		COMPENSATION PANEL ACTION	
NAME		LAST 4 DIGITS OF SSN	DATE
KENNEDY, RICHARD M. III		3581	Feb 26, 2014
SERVICE/LOCATION	ASSIGNMENT	CURRENT TIER	ANNUAL SALARY
WJB Dorn VAMC	Columbia, SC	1	289,798
PART A: REASON FOR COMPENSATION PANEL REVIEW			
Initial Pay Determination <input type="radio"/>		Biennial Review <input checked="" type="radio"/>	Other (explain below) <input type="radio"/>
<p>Request no increase in pay. Currently his annual is \$289,798 plus \$15,000 physician's performance bonus pay with a total of \$304,798.</p>			
SUPERVISOR'S APPROVAL (Print name below)		SIGNATURE	DATE
Robert J. Miller, D.O., Chief of Anesth			Feb 26, 2014
PARTS B AND C TO BE COMPLETED BY COMPENSATION PANEL AND APPROVING OFFICIAL			
PART B: PANEL FINDINGS			
<p><i>Consideration of the Panel shall take into account the (1) level of experience in a specialty or assignment; (2) need for the specialty/assignment at the facility; (3) health care labor market for the specialty/assignment; (4) board certifications; (5) accomplishments in the specialty or assignment; (6) prior VHA experience; (7) other considerations/comments; and (8) non-foreign cost-of-living allowance.</i></p>			

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PANEL FINDINGS - Continued		
<p style="font-size: 1.2em; margin: 0;">Comp panel recommends no increase in pay</p>		
COMPENSATION/PANEL RECOMMENDATION		
ASSIGNMENT/ PAY TABLE Anesthesiol / 4	TIER 1	PAY RANGE OR RATE 289,798
LOCATION OF PANEL <input type="checkbox"/> VACO <input type="checkbox"/> VISN <input checked="" type="checkbox"/> VAMC Dorn VA Medical Center		
SIGNATURE OF PANEL MEMBERS (Additional signatures may be provided on an attached sheet)		
CHAIRPERSON (Print name below) Sam A. S. Johnson	SIGNATURE 	DATE 02/28/2014
MEMBER (Print name below) Kurt D. Piculato	SIGNATURE 	DATE 7/28/2014
MEMBER (Print name below) D. Jane Hill	SIGNATURE 	DATE 2/28/2014
MEMBER (Print name below) 	SIGNATURE 	DATE
HR TECHNICAL ADVISOR (Print name below) Theresa Marloson	SIGNATURE 	DATE 2/28/2014
PART C - ACTION BY APPROVING OFFICIAL		
ANNUAL RATE OF PAY (Base Pay + Market Pay) $122,060 + 167,738 = 289,798$		
COMMENTS <p style="font-size: 1.2em; margin: 0;">No Change</p>		
SIGNATURE 		DATE 4/4/14

David L. Omura, DPT, MHA, MS
Acting Medical Center Director


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250-96-3681

 Department of Veterans Affairs		COMPENSATION PANEL ACTION											
NAME		LAST 4 DIGITS OF SSN	DATE										
KENNEDY, RICHARD M		3681	03/01/2012										
SERVICE/LOCATION	ASSIGNMENT	CURRENT TIER	ANNUAL SALARY										
Perioperative & Pain Medicine	Anesthesiology	1	\$285,327										
PART A - REASON FOR COMPENSATION PANEL REVIEW													
Initial Pay Determination <input type="radio"/>		Biennial Review <input checked="" type="radio"/>	Other (explain below) <input type="radio"/>										
SUPERVISOR'S APPROVAL (Print name below)		SIGNATURE	DATE										
PARTS B AND C TO BE COMPLETED BY COMPENSATION PANEL AND APPROVING OFFICIAL													
PART B - PANEL FINDINGS <small>Any data typed after screen scrolls will not print</small>													
<p><i>Consideration of the Panel shall take into account the (1) level of experience in a specialty or assignment; (2) need for the specialty/assignment at the facility; (3) health care labor market for the specialty/assignment; (4) board certifications; (5) accomplishments in the specialty or assignment; (6) prior VHA experience; (7) other considerations/comments; and (8) non-foreign cost-of-living allowance.</i></p>													
<p>In accordance with HRML 05-11-06, the compensation panel recommends no change in market pay.</p> <p>Survey Data, Ray Group Comp data May 2011</p> <table style="width: 100%;"> <tr> <td>Anesthesiology (4329) :</td> <td>P75</td> <td>MED</td> <td>P25</td> <td>Avg</td> </tr> <tr> <td>SC - Columbia Avg diff</td> <td>\$358.8K</td> <td>\$297.9K</td> <td>\$251.6</td> <td>\$298K</td> </tr> </table> <p>Assignments: Anesthesiology</p>				Anesthesiology (4329) :	P75	MED	P25	Avg	SC - Columbia Avg diff	\$358.8K	\$297.9K	\$251.6	\$298K
Anesthesiology (4329) :	P75	MED	P25	Avg									
SC - Columbia Avg diff	\$358.8K	\$297.9K	\$251.6	\$298K									
<p>Pay includes compensation for being Board Certified. If Board Certification is not maintained it will result in an adverse effect on total compensation.</p>													
<p>If position responsibilities change, another pay panel will be convened to determine appropriate compensation.</p>													

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Kennedy_VA_21

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PANEL FINDINGS - Continued (Any data typed after the green scroll will not print)

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COMPENSATION PANEL RECOMMENDATION

ASSIGNMENT/ PAY TABLE	TIER	PAY RANGE OR RATE
Pay Table 4	1	\$97,987 - \$295,000
LOCATION OF PANEL	<input type="checkbox"/> VACO <input type="checkbox"/> VISN	<input checked="" type="checkbox"/> VAMC
		WJB DORN VAMC COLUMBIA SC

SIGNATURE OF PANEL MEMBERS (Additional signatures may be provided on an attached sheet)

CHAIRPERSON (Print name below)	SIGNATURE	DATE
Alfred B. Boykin Jr., M.D.		03/01/2012
MEMBER (Print name below)	SIGNATURE	DATE
J. Jeffrey Brown, M.D.		03/01/2012
MEMBER (Print name below)	SIGNATURE	DATE
Stephen Hawes, M.D.		03/01/2012
MEMBER (Print name below)	SIGNATURE	DATE
HR TECHNICAL ADVISOR (Print name below)	SIGNATURE	DATE
Therese Hazloom		03/01/2012

PART C: ACTION BY APPROVING OFFICIAL


ANNUAL RATE OF PAY (Base Pay + Market Pay) $(\$117,589 + \$167,738) = \$285,327$ pa

COMMENTS

NO CHANGE IN MARKET PAY.

APPROVAL (Print name and title)	SIGNATURE	DATE
Rebecca J. Stackhouse, FACHE, Acting Mgr		5/7/12

250-96-3681

 Department of Veterans Affairs		COMPENSATION PANEL ACTION	
NAME		SOCIAL SECURITY NO.	DATE
KENNEDY, RICHARD M III		XXX-XX-3681	1/11/2010
SERVICE/LOCATION	ASSIGNMENT	CURRENT TIER	ANNUAL SALARY
SURGICAL SERVICE	ANESTHESIOLOGY	I	\$268,629
PART A - REASON FOR COMPENSATION PANEL REVIEW:			
Initial Pay Determination <input type="radio"/>		Biannual Review <input checked="" type="radio"/>	Other (explain below) <input type="radio"/>
SUPERVISOR'S APPROVAL (Print name below)		SIGNATURE	DATE
PARTS B AND C TO BE COMPLETED BY COMPENSATION PANEL AND APPROVING OFFICIAL			
PART B - PANEL FINDINGS			
<p><i>Consideration of the Panel shall take into account the (1) level of experience in a specialty or assignment; (2) need for the specialty/assignment at the facility; (3) health care labor market for the specialty/assignment; (4) board certifications; (5) accomplishments in the specialty or assignment; (6) prior VHA experience; (7) other considerations/comments; and (8) non-foreign cost-of-living allowance.</i></p> <p>The compensation panel met and recommended a 5% increase based on the 2007 - 2008 AAMC data.</p> <p>Survey Data: Asst Prof / Assoc Prof / Professor AAMC: \$269K \$302K \$332K</p> <p>Dr. Kennedy is a board certified anesthesiologist with over 15 years of experience.</p> <p>Assignments: Anesthesiology</p>			
If position responsibilities change, another pay panel will be convened to determine appropriate compensation.			

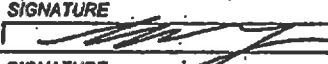
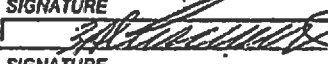
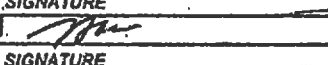
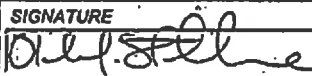
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PANEL FINDINGS - Continued		
COMPENSATION PANEL RECOMMENDATION		
ASSIGNMENT/ PAY TABLE Surgery / Table 4	TIER 1	PAY RANGE OR RATE \$97,987 - \$295,000
LOCATION OF PANEL	<input type="checkbox"/> VACO <input type="checkbox"/> VSN	<input checked="" type="checkbox"/> VAMC WJB DORN VAMC, COLUMBIA SC
SIGNATURE OF PANEL MEMBERS (Additional signatures may be provided on an attached sheet)		
CHAIRPERSON (Print name below) Stephen J. Hawes, Jr., MD	SIGNATURE 	DATE 11/11/2010
MEMBER (Print name below) Ziad A. Al-Asead, MD	SIGNATURE 	DATE 11/11/2010
MEMBER (Print name below) James J. Farrell, MD	SIGNATURE 	DATE 11/11/2010
MEMBER (Print name below)	SIGNATURE	DATE
HR TECHNICAL ADVISOR (Print name below) Tamara Nichols	SIGNATURE	DATE 11/11/2010
PART C ACTION BY APPROVING OFFICIAL		
ANNUAL RATE OF PAY (Base Pay + Market Pay)		(\$114,322 + \$167,738) = \$282,060
COMMENTS		
APPROVAL (Print name and title) Patricia O. Pittman, Medical Center Dir	SIGNATURE 	DATE 5-25-10

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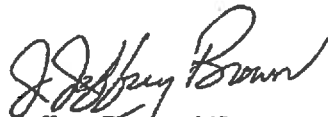
WM. JENNINGS BRYAN DORN
DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER
COLUMBIA, SOUTH CAROLINA

MEMORANDUM

Date: February 4, 2010
From: Director, Surgical Care Service Line (112)
Subj: Approval of exception to Under Secretary Health's established pay cap –
Anesthesiology
To: VISN-7 Director (10N7)
Thru: Dorn Medical Center Director (00)
Chief of Staff (11)
Human Resources (05)

I recommend that Dr. Richard Kennedy receive an exception to the Under Secretary for Health's (USH) established pay cap of \$275,000.

Dr. Kennedy is a valuable and senior member of our anesthesia staff. His market pay determination was based in part on the AAMC Southern-Region Survey data that showed a mean base salary of \$307,000 for an Assistant Professor of Anesthesiology. Recently obtained data from the Ohio State University reveals the base pay to be \$275,000 for a staff anesthesiologist who takes no call; all of our anesthesiologists share in nighttime and weekend call every fourth night.


J. Jeffrey Brown, MD

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VHA Core Values: Trust - Respect - Excellence - Compassion - Commitment



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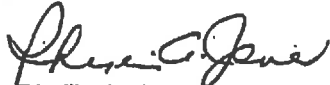
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Subj: Exception to the Under Secretary of Health's Established Pay Cap of \$275,000

Meets / Does Not Meet Technical Requirements




Phyllis A. Jones
Chief, Human Resources Management

Concur / Nonconcur



Alfred B. Boykin, Jr., MD
Chief of Staff

Concur / Nonconcur



Patricia O. Pittman
Medical Center Director/CEO


Approved / Disapproved



Lawrence A. Biro
Network Director, VISN 7

Kennedy_VA_47

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 Department of Veterans Affairs		COMPENSATION PANEL ACTION	
NAME		SOCIAL SECURITY NO.	DATE
KENNEDY, RICHARD M II		[REDACTED]	12/14/2007
SERVICE/LOCATION	ASSIGNMENT	CURRENT TIER	ANNUAL SALARY
Surgery	Anesthesiology	1	\$259,734.00
PART A: REASON FOR COMPENSATION PANEL REVIEW			
Initial Pay Determination <input type="radio"/>		Biannual Review <input checked="" type="radio"/>	Other (explain below) <input type="radio"/>
SUPERVISOR'S APPROVAL (Print name below)		SIGNATURE	DATE
PARTS B AND C TO BE COMPLETED BY COMPENSATION PANEL AND APPROVING OFFICIAL			
PART B: PANEL FINDINGS <small>Any data typed after screen scrolls will not print.</small>			
<p><i>Consideration of the Panel shall take into account the (1) level of experience in a specialty or assignment; (2) need for the specialty/assignment at the facility; (3) health care labor market for the specialty/assignment; (4) board certifications; (5) accomplishments in the specialty or assignment; (6) prior VHA experience; (7) other considerations/comments; and (8) non-foreign cost-of-living allowance.</i></p>			
<p>Survey Data: Asst Prof / Assoc Prof / Professor AAMC: \$228K \$229K \$262K</p> <p>Dr. Kennedy is a board anesthesiologist with 10 years of experience.</p> <p>Assignments: Anesthesiology</p> <p>*No change in market pay</p> <p>If position responsibilities change, another pay panel will be convened to determine appropriate compensation.</p>			

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PANEL FINDINGS - Continued <small>Any entry to this form must be made in green or red ink.</small>		
COMPENSATION PANEL RECOMMENDATION		
ASSIGNMENT/ PAY TABLE Anesthesiology / Table 4	TIER 1	PAY RANGE OR RATE \$93,818 - \$270,000
LOCATION OF PANEL <input type="checkbox"/> VACO <input type="checkbox"/> VISN <input type="checkbox"/> VAMC <input checked="" type="checkbox"/> WJB DORN VAMC, COLUMBIA SC		
SIGNATURE OF PANEL MEMBERS <small>(Additional signatures may be provided on an attached sheet.)</small>		
CHAIRPERSON (Print name below) James Farrell, MD	SIGNATURE 	DATE 12/14/2007
MEMBER (Print name below) Stephen Hawes, MD	SIGNATURE 	DATE 12/14/2007
MEMBER (Print name below) J. Jeffrey Brown, MD	SIGNATURE 	DATE 12/14/2007
MEMBER (Print name below)	SIGNATURE	DATE
HR TECHNICAL ADVISOR (Print name below) Tamara Nichols	SIGNATURE 	DATE 12/14/2007
PART C - ACTION BY APPROVING OFFICIAL		
ANNUAL RATE OF PAY (Base Pay + Market Pay)		(\$106,326 + \$156,000) = \$262,326
COMMENTS		
APPROVAL (Print name and title) Brian Heckert, Medical Center Director	SIGNATURE 	DATE 3-4-08

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Department of Veterans Affairs		COMPENSATION PANEL ACTION	
NAME		SOCIAL SECURITY NO.	DATE
KENNEDY, RICHARD M., III		250-96-3681	Mar 8, 2006
SERVICE/LOCATION	ASSIGNMENT	CURRENT TIER	ANNUAL SALARY
SURGICAL	ANESTHESIOLOGY	1	\$181,957.00
PART A: REASON FOR COMPENSATION PANEL REVIEW			
Initial Pay Determination <input checked="" type="radio"/>		Biannual Review <input type="radio"/>	Other (explain below) <input type="radio"/>
SUPERVISOR'S APPROVAL (Print name below)		SIGNATURE	DATE
John J. Brown, MD		<i>John J. Brown</i>	3-8-06
PART B: PANEL FINDINGS			
<p>Consideration of the Panel shall take into account the (1) level of experience in a specialty or assignment; (2) need for the specialty/assignment at the facility; (3) health care labor market for the specialty/assignment; (4) board certifications; (5) accomplishments in the specialty or assignment; (6) prior VHA experience; (7) other considerations/comments; and (8) non-foreign cost-of-living allowance.</p>			
<p>Dr. Kennedy is board certified in Anesthesiology.</p> <p>Dr. Kennedy's market pay determination was based on the AAMC Southern-Region Survey which shows a median base salary of \$258,000 for an Associate Professor and \$285,000 for a Full Professor. This survey information assures that we are offering a salary that is competitive with the Southern-Region market and promotes the retention of highly qualified physicians.</p>			

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